

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN JOE MCKENNEY**, on February 11, 2003 at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Joe McKenney, Chairman (R)  
Rep. Jim Keane, Vice Chairman (D)  
Rep. Donald Steinbeisser, Vice Chairman (R)  
Rep. Bob Bergren (D)  
Rep. Rod Bitney (R)  
Rep. Sylvia Bookout-Reinicke (R)  
Rep. Nancy Fritz (D)  
Rep. Dave Gallik (D)  
Rep. Kathleen Galvin-Halcro (D)  
Rep. Ray Hawk (R)  
Rep. Bob Lawson (R)  
Rep. Rick Maedje (R)  
Rep. Gary Matthews (D)  
Rep. Scott Mendenhall (R)  
Rep. Penny Morgan (R)  
Rep. Allen Rome (R)  
Rep. Sandy Weiss (D)  
Rep. Bill Wilson (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Bart Campbell, Legislative Branch  
Alberta Strachan, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 525 (2/7/03); HB 536 (2/6/03);  
HB 474 (2/6/03)  
Executive Action: HB 307 Table; HB 119 Table; HB 438  
Do Pass As Amend; HB 482 Do Pass;

HB 359 Do Pass As Amended; HB 473  
Table; HB 474 Do Pass; HB 186 Do  
Pass & Consent

**HEARING ON HB 525**

**Sponsor:** REP. JIM KEANE, HD 36, Butte

**Opening Statement by Sponsor:**

**REP. KEANE** read the title of the bill: An act revising the classification for a third-class engineer license to operate a steam boiler; allowing a person to be licensed to operate a steam boiler by completing a course of instruction approved by the department and passing a written examination or by having an engineer inform the department that the applicant is competent to operate the type of boiler for which licensure is sought.

***{Tape: 1; Side: A; Approx. Time Counter: 34 - 84}***

**Proponents' Testimony:**

**John Essmann, Billings resident,** explained the operation of a boiler. This equipment is continuously upgraded. This bill does not change anything with respect to the inspection requirements. The State does have a very good inspection program. With the technology which is present in the modern boilers, a reasonably intelligent, mature adult, with proper training and a classroom setting, will be a safe operator.

***{Tape: 1; Side: A; Approx. Time Counter: 84 - 160}***

**Dick Garrett, Capital Laundry, Helena,** explained the circumstances of the destruction of their company by fire. He indicated it had burned because of the boiler stack. The liability issue is important in making it easy for people to be licensed.

***{Tape: 1; Side: A; Approx. Time Counter: 160 - 204}***

**Rob Cline, General Manager, Big Sky Linen Supply, Billings,** said he supported this bill.

***{Tape: 1; Side: A; Approx. Time Counter: 204 - 236}***

**Alan Glueckert, Miles City Laundry & Dry Cleaners,** said he had a second-class license. The testing and requirements to acquire the license were unreasonable.

***{Tape: 1; Side: A; Approx. Time Counter: 236 - 255}***

**Joe Mazurek, Montana Textile Services Association,** said the improvements in the technology has advanced. He commented on the

examination and receiving of a license to operate boilers. Although the Department does have a very good command on the inspections, it is very difficult to enforce this current law in small communities in Montana. This bill is a common sense approach to letting people demonstrate they are capable of operating boilers in their businesses. He also presented some amendments.

**EXHIBIT** (buh30a01)

*{Tape: 1; Side: A; Approx. Time Counter: 255 - 405}*

**Opponents' Testimony:**

**Michael Burke, Chief Engineer of Power Plant, University of Montana, Missoula,** provided written testimony.

**EXHIBIT** (buh30a02)

*{Tape: 1; Side: A; Approx. Time Counter: 405 - Tape: 1; Side: B; Approx. Time Counter: 24}*

**Rick Graham, Shop Steward, University of Montana, Missoula,** said he opposed the increase of the PSI to 150 because of the eminent dangers.

*{Tape: 1; Side: B; Approx. Time Counter: 25 - 55}*

**Jacqueline Lenmark, American Insurance Association,** said she supports this bill.

*{Tape: 1; Side: B; Approx. Time Counter: 55 - 81}*

**Ray Smith, Florence resident,** said better operation at all levels for all classes of boilers is considered a controlled bomb. National statistics produced and published by the National Board of Boiler and Pressure Inspectors indicated the primary cause of boiler accidents in the U.S. is due to operator error and negligence. It is important to attain a high level of training and education, which are strict requirements for the operation of boilers.

*{Tape: 1; Side: B; Approx. Time Counter: 81 - 95}*

**Darrell Holzer, AFL-CIO,** said he opposes this bill in its current form. The reason, there are licensure requirements is for one primary reason, and that is for health and safety purposes.

*{Tape: 1; Side: B; Approx. Time Counter: 95 - 124}*

**Chris Hahn, Clancy resident,** said he wanted the bill to be fixed right.

*{Tape: 1; Side: B; Approx. Time Counter: 124 - 196}*

**Informational Testimony:**

**Jim Brown, Division Administrator, Business Standards Division, Department of Labor & Industry,** said he was available to answer questions.

Questions from Committee Members and Responses: None

Closing by Sponsor:

The sponsor closed.

*{Tape: 1; Side: B; Approx. Time Counter: 430 - 493}*

HEARING ON HB 536

Sponsor: REP. JOHN BRUEGGEMAN, HD 74, Polson

Opening Statement by Sponsor:

**REP. BRUEGGEMAN** read the title of the bill: An act providing for the disclosure of the potential for mold in inhabitable property with agreements for the sale and purchase of inhabitable property; providing for the disclosure of prior testing and mitigation and providing immunity for sellers, landlords, seller's agents, buyer's agents, and property managers who comply with the disclosure requirements.

*{Tape: 1; Side: B; Approx. Time Counter: 493 - Tape: 2; Side A; Approx. Time Counter: 6}*

Proponents' Testimony:

**Roger Halver, Montana Association of Realtors,** presented testimony from the National Association of Realtors entitled, Frequently Asked Questions About Mold.

**EXHIBIT** (buh30a03)

*{Tape: 2; Side: A; Approx. Time Counter: 7 - 55}*

**John Tabaracci, Attorney at Law, Montana Association of Realtors, Missoula,** presented written testimony.

**EXHIBIT** (buh30a04)

*{Tape: 2; Side: A; Approx. Time Counter: 55 - 109}*

**Curt Chisholm, Montana Building Industry Association,** said this bill completes a list of disclosures and should be made when transferring and selling property.

*{Tape: 2; Side: A; Approx. Time Counter: 109 - 121}*

**Jacqueline Lenmark, American Insurance Association,** said this bill will increase the availability of homeowners insurance to

Montanans, and will also have a positive effect on the pricing of that insurance.

*{Tape: 2; Side: A; Approx. Time Counter: 121 - 129}*

**Opponents' Testimony:**

**Al Smith, Montana Trial Lawyers Association**, said they do oppose this legislation. One of their concerns is in the disclosure statement. It was determined by the CDC that molds do cause infections. Molds have also been associated with some forms of cancer.

*{Tape: 2; Side: A; Approx. Time Counter: 129 - 300}*

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. MORGAN** asked Mr. Tabaracci if this legislation excludes landlords in a current buy/sell agreement. **Mr. Tabaracci** said real estate brokers do disclose this information.

*{Tape: 2; Side: A; Approx. Time Counter: 300 - 375}*

**REP. WEISS** asked Mr. Smith if there is an agreement between a buyer and seller if mold is disclosed, and who will mitigate the problem. **Mr. Smith** said the buyer and seller would work that out. The provision in the bill states if the buyer does the testing, they can make that a provision of contingency.

*{Tape: 2; Side: A; Approx. Time Counter: 375 - 437}*

**REP. GALLIK** asked Mr. Tabaracci if the concerns about mold were similar to those of radon. **Mr. Tabaracci** said there were more health risks with mold than radon.

*{Tape: 2; Side: A; Approx. Time Counter: 437 - Tape: 2; Side: B; Approx. Time Counter: 13}*

**Closing by Sponsor:**

The sponsor closed.

*{Tape: 2; Side: B; Approx. Time Counter: 189 - 220}*

**HEARING ON HB 474**

**Sponsor:** REP. SANDY WEISS, HD 13, Billings

**Opening Statement by Sponsor:**

**REP. WEISS** read the title of the bill: An act providing that an adjustment of the rental price of a motor vehicle, trailer, or semi trailer based on the amount realized upon the sale or disposition of the motor vehicle, trailer, or semi trailer, does not create a sale or security interest. She then presented testimony from the American Automotive Leasing Association and the Code of Alabama.

**EXHIBIT (buh30a05)**

**EXHIBIT (buh30a06)**

**{Tape: 2; Side: B; Approx. Time Counter: 220 - 283}**

**Proponents' Testimony:**

**Robert Ward, Enterprise, Helena,** said this bill clarifies about track vehicle leasing.

**{Tape: 2; Side: B; Approx. Time Counter: 283 - 299}**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. BOOKOUT-REINICKE** asked Mr. Ward how it could be determined this bill did not include individual leases. **Mr. Ward** said the bill does not specify it. It is for fleet companies only.

**{Tape: 2; Side: B; Approx. Time Counter: 299 - 343}**

**Closing by Sponsor:**

The sponsor closed.

**{Tape: 2; Side: B; Approx. Time Counter: 396 - 418}**

**EXECUTIVE ACTION ON HB 307**

**Motion/Vote:** **REP. BOOKOUT-REINICKE** moved **HB 307 BE TABLED.**

**Motion carried 18-0.**

**EXECUTIVE ACTION ON HB 119**

**Motion/Vote:** **REP. MAEDJE** moved **HB 119 BE TABLED.** **Motion carried 18-0.**

**EXECUTIVE ACTION ON HB 438**

**Motion:** REP. MAEDJE moved HB 438 DO PASS.

**Motion:** REP. BITNEY moved HB 438 AMENDMENTS.  
**EXHIBIT** (buh30a07)

**Discussion:**

REP. BITNEY discussed the amendments. **EXHIBIT** (buh30a08)

Mr. Campbell also discussed the amendments.

REP. MATTHEWS asked if the amendments had been discussed with the sponsor.

REP. ROME asked if these amendments were approved by the association.

**Vote:** A roll call vote was taken. Motion carried 18-0.

**Motion:** REP. MAEDJE moved HB 438 AMENDMENTS.

**Discussion:**

REPS. GALLIK, MORGAN, MATTHEWS opposed the amendments.

REP. MAEDJE supported these amendments.

**Vote:** A roll call vote was taken. Motion failed 1-17 with REP. MAEDJE voting yes.

**Motion/Vote:** REP. BITNEY moved HB 438 DO PASS AS AMENDED. A roll call vote was taken. Motion carried 17-1 with CHAIRMAN McKENNEY voting no.

**EXECUTIVE ACTION ON HB 482**

**Motion/Vote:** REP. BOOKOUT-REINICKE moved HB 482 DO PASS. A roll call vote was taken. Motion carried 14-4 with REPS. McKENNEY, GALLIK, HAWK, and MENDENHALL voting no.

EXECUTIVE ACTION ON HB 359

Motion: REP. GALVIN-HALCRO moved HB 359 DO PASS.

Motion: REP. GALLIK moved HB 359 AMENDMENTS.

**EXHIBIT** (buh30a09)

Discussion:

REP. GALVIN-HALCRO said opponents of the bill wanted these amendments and she explained the amendments.

REPS. ROME and MORGAN supported the amendment.

Substitute Motion/Vote: REP. BITNEY made a SUBSTITUTE MOTION TO SEGREGATE #2 and #7 OF THE AMENDMENTS (Exhibit 9). A roll call vote was taken. Motion carried 12-6 with REPS. McKENNEY, STEINBEISSER, BITNEY, HAWK, MAEDJE, and MENDENHALL voting no.

Discussion:

REP. BOOKOUT-REINICKE said she objected to the segregation of the amendments.

Motion/Vote: REP. BITNEY moved NUMBERS 1,3,4,5 and 6 of the AMENDMENTS (Exhibit 9). A roll call vote was taken. Motion carried 18-0.

Motion: REP. BITNEY moved HB 359 DO PASS AS AMENDED.

Discussion:

REP. GALLIK said there should be a fiscal note with this bill.

REPS. GALLIK, MENDENHALL, and McKENNEY opposed this bill.

Vote: A roll call vote was taken. Motion passed 12-6 with REPS. McKENNEY, STEINBEISSER, BITNEY, HAWK, MAEDJE, and MENDENHALL voting no.

EXECUTIVE ACTION ON HB 473

Motion: REP. MENDENHALL moved that HB 473 DO PASS.



**Discussion:**

**REP. GALLIK** said this bill should have a fiscal note and he opposed the bill.

**REP. MENDENHALL** and **CHAIRMAN MCKENNEY** said they opposed the bill.

**Vote:** A roll call vote was taken. Motion failed 2-16 with **REPS. BOOKOUT-REINICKE** and **MORGAN** voting yes. A reversal of the vote was taken which passed 16-2 with **REPS. BOOKOUT-REINICKE** and **MORGAN** voting no.

**EXECUTIVE ACTION ON HB 474**

**Motion/Vote:** **REP. WEISS** moved **HB 474 DO PASS**. Motion carried 18-0.

**Motion:** **REP. GALLIK** moved **HB 474 BE PLACED ON THE CONSENT CALENDAR**. **REP. GALLIK** withdrew his motion.

**EXECUTIVE ACTION ON HB 186**

**Motion/Vote:** **REP. MATTHEWS** moved **HB 186 BE PLACED ON THE CONSENT CALENDAR**. Motion carried 18-0.

**ADJOURNMENT**

Adjournment: 11:30 A.M.

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REP. JOE MCKENNEY, Chairman

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ALBERTA STRACHAN, Secretary

JM/AS

**EXHIBIT** (buh30aad)